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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/772,529
	Filing Date	February 4, 2004
	First Named Inventor	Robert N. BLAIR
	Art Unit	3736
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	16 + 36 refs.	Attorney Docket Number 447582000700

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 (6 pages with copy) 36 Cited References Return Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Rick Shoop - 45,763
Signature	
Date	June 2, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
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PATENT
Docket No. 447582000700

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Kerry C. Keenan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Robert N. BLAIR

Serial No.: 10/772,529

Filing Date: February 4, 2004

For: INTEGRATED DEVICE FOR NON-
INVASIVE ANALYTE
MEASUREMENT

Examiner: Not Yet Assigned

Group Art Unit: 3736

INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

Applicants would like to draw the Examiner's attention to the co-pending applications (copies attached) listed below:

Application Serial Number: 10/343,963, filed by M. Kouchnir on May 9, 2003, and

Application Serial Number: 10/739,657, filed by H. L. Berman et al. on December 17, 2003.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

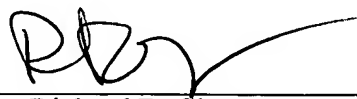
Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17(p)) is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 447582000700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

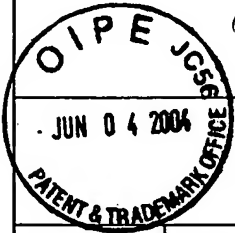
Dated: June 2, 2004

Respectfully submitted,

By: 
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Registration No. 45,763

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 447582000700	Application Number 10/772,529
	Applicant Robert N. BLAIR	
	Filing Date February 4, 2004	Group Art Unit 3736
	Mailing Date June 2, 2004	



U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	09/26/2002	2002/0136435	Prokoski			
	2.	10/17/2002	2002/0151773	Berman et al.			
	3.	06/05/2003	2003/0105391	Berman et al.			
	4.	09/18/2003	2003/0176775	Berman			
	5.	10/14/1969	3,472,595	Hashizume			
	6.	09/22/1970	3,529,889	DeMey, Jr.			
	7.	09/26/1972	3,694,086	May			
	8.	04/15/1975	3,877,812	Thompson			
	9.	10/18/1977	4,054,534	Angelini			
	10.	01/31/1978	4,071,020	Pugliese			
	11.	04/24/1979	4,151,001	Anderson, Jr. et al.			
	12.	10/02/1979	4,169,676	Kaiser			
	13.	04/08/1980	4,196,845	Chesters			
	14.	07/19/1983	4,394,773	Ruell			
	15.	01/24/1984	4,427,889	Müller			
	16.	09/03/1985	4,538,618	Rosenberg et al.			
	17.	04/07/1987	4,655,225	Dähne et al.			
	18.	12/01/1987	4,710,231	Bateman et al.			
	19.	04/18/1989	4,821,733	Peck			
	20.	03/20/1990	4,909,256	Peck			
	21.	12/04/1990	4,975,581	Robinson et al.			
	22.	07/02/1991	5,028,787	Rosenthal et al.			
	23.	08/06/1991	5,036,861	Sembrowich et al.			
	24.	11/26/1991	5,068,536	Rosenthal			
	25.	02/04/1992	5,086,229	Rosenthal et al.			
	26.	05/19/1992	5,113,860	McQuinn			

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	Mailing Date June 2, 2004	

	27.	05/19/1992	5,115,133	Knudson			
	28.	01/12/1993	5,178,142	Harjunmaa et al.			
	29.	01/19/1993	5,179,951	Knudson			
	30.	02/02/1993	5,183,042	Harjunmaa et al.			
	31.	06/29/1993	5,222,496	Clarke et al.			
	32.	11/30/1993	5,267,152	Yang et al.			
	33.	05/24/1994	5,313,941	Braig et al.			
	34.	08/30/1994	5,341,805	Stavridi et al.			
	35.	09/20/1994	5,348,003	Caro			
	36.	12/06/1994	5,370,114	Wong et al.			
	37.	02/14/1995	5,390,238	Kirk et al.			
	38.	03/21/1995	5,398,681	Kupershmidt			
	39.	04/18/1995	5,407,323	Gay et al.			
	40.	04/18/1995	5,408,312	Pries et al.			
	41.	04/25/1995	5,410,471	Alyfuku et al.			
	42.	07/04/1995	5,429,128	Cadell et al.			
	43.	07/18/1995	5,433,197	Stark			
	44.	09/26/1995	5,452,716	Clift			
	45.	11/14/1995	5,467,403	Fishbine et al.			
	46.	11/28/1995	5,470,323	Smith et al.			
	47.	05/07/1996	5,515,163	Kupershmidt et al.			
	48.	08/20/1996	5,548,404	Kupershmidt et al.			
	49.	09/10/1996	5,553,613	Parker			
	50.	12/10/1996	5,582,184	Erickson et al.			
	51.	06/17/1997	5,638,815	Schoendorfer			
	52.	08/12/1997	5,655,530	Messerschmidt			
	53.	10/28/1997	5,682,233	Brinda			
	54.	12/02/1997	5,692,503	Kuenstner			
	55.	03/03/1998	5,722,397	Eppstein			

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	56.	05/19/1998	5,754,289	Ozaki et al.			
	57.	06/16/1998	5,765,717	Gottselig			
	58.	07/28/1998	5,786,892	Amner et al.			
	59.	09/29/1998	5,815,598	Hara et al.			
	60.	10/06/1998	5,817,605	Papay			
	61.	10/13/1998	5,820,570	Erickson et al.			
	62.	11/03/1998	5,830,137	Scharf			
	63.	03/09/1999	5,879,310	Sopp et al.			
	64.	03/09/1999	5,879,367	Latterell et al.			
	65.	04/06/1999	5,890,489	Elden			
	66.	05/04/1999	5,900,632	Sterling et al.			
	67.	08/10/1999	5,935,062	Messerschmidt et al.			
	68.	08/24/1999	5,941,821	Chou			
	69.	10/05/1999	5,962,441	Blank			
	70.	10/26/1999	5,974,337	Kaffka et al.			
	71.	12/14/1999	6,001,067	Shults et al.			
	72.	02/15/2000	6,026,314	Amerov et al.			
	73.	05/16/2000	6,064,898	Aldrich			
	74.	05/30/2000	6,068,820	De Guzman			
	75.	07/11/2000	6,087,182	Jeng et al.			
	76.	08/29/2000	6,111,977	Scott et al.			
	77.	10/03/2000	6,128,091	Uchida et al.			
	78.	11/21/2000	6,149,588	Noda et al.			
	79.	11/28/2000	6,152,875	Hakamata			
	80.	11/28/2000	6,152,876	Robinson et al.			
	81.	12/19/2000	6,162,211	Tankovich et al.			
	82.	01/09/2001	6,172,743	Kley et al.			
	83.	02/13/2001	6,188,477	Pu et al.			
	84.	03/20/2001	6,205,272	O'Rourke et al.			

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	85.	05/29/2001	6,240,306	Rohrscheib et al.			
	86.	07/31/2001	6,267,975	Smith, III et al.			
	87.	08/28/2001	6,281,407	Warner et al.			
	88.	11/27/2001	6,322,801	Lorenzi et al.			
	89.	03/26/2002	6,362,144	Berman et al.			
	90.	07/16/2002	6,421,548	Berman et al.			
	91.	07/23/2002	6,424,848	Berman et al.			
	92.	07/23/2002	6,424,849	Berman et al.			
	93.	07/23/2002	6,424,851	Berman et al.			
	94.	08/06/2002	6,428,799	Cen et al.			
	95.	08/06/2002	6,430,424	Berman et al.			
	96.	08/06/2002	6,430,429	Van Vaals			
	97.	08/27/2002	6,440,437	Krzysik et al.			
	98.	09/03/2002	6,445,938	Berman et al.			
	99.	09/24/2002	6,454,755	Godshall			
	100.	12/10/2002	6,492,307	Matsuo et al.			
	101.	12/31/2002	6,501,284	Gozzini			
	102.	01/07/2003	6,503,198	Aronowitz et al.			
	103.	01/28/2003	6,512,381	Kramer			
	104.	02/18/2003	6,522,903	Berman et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	105.	08/23/1989	EP 0 329 361	Europe				
	106.	02/28/1990	EP 0 355 368	Europe				
	107.	06/21/1990	EP 0 404 562	Europe				
	108.	08/13/2003	EP 1 335 199	Europe				

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	109.	07/25/1995	JP 7-184883	Japan			Abstract	
	110.	06/15/1999	JP 11-155844	Japan			Abstract	
	111.	07/13/1979	CH 612,271	Switzerland			Abstract	
	112.	06/27/1996	WO 96/19180	WIPO				
	113.	08/14/1997	WO 97/29368	WIPO				
	114.	04/20/2000	WO 00/21437	WIPO				
	115.	09/28/2000	WO 00/57177	WIPO				
	116.	10/25/2001	WO 01/79818	WIPO				
	117.	04/25/2002	WO 02/32303	WIPO				

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	118.	Bhandare, P. et al. (1993). "Multivariate Determination of Glucose in Whole Blood Using Partial Least-Squares and Artificial Neural Networks Based on Mid-Infrared Spectroscopy," <i>Appl. Spectr.</i> 47(8):1214-1221.
	119.	Ginsberg, B.H. (1992). "An overview of minimally invasive technologies," <i>Clin Chem.</i> 38(9):1596-1600.
	120.	Heise, H.M. et al. (1989). "Multivariate Determination of Glucose in Whole Blood by Attenuated Total Reflection Infrared Spectroscopy," <i>Anal Chem.</i> 61:2009-2015.
	121.	Heise, H.M. et al. (1998). "Clinical Chemistry and Near Infrared Spectroscopy: Technology for Non-Invasive Glucose Monitoring," <i>J. Near Infrared Spectrosc.</i> 6:349-359.
	122.	Isojima, K. et al. (2000). "Application of Infrared Attenuated Total Reflection Microspectroscopy to Diagnosis of Arteriosclerosis and Diabetes" <i>Proceedings of the Symposium on Electrical and Electronic Insulating Materials and Applications in Systems</i> , 32:293-296 and English translation.
	123.	Kajiwara, K. et al. (1992). "Spectroscopic Quantitative Analysis of Blood Glucose by Fourier Transform Infrared Spectroscopy with an Attenuated Total Reflection Prism," <i>Med. Prog. through Tech.</i> 18:181-189.
	124.	Kanazawa, M. (1997). "Determination of Blood Glucose Level with Infrared Spectroscopy" <i>Nihon Bunko Gakkai Igaku Seibutsugaku Kenkyu Bukai Shinpojiumu Tekisuto</i> , 1997:26-30 with English translation.
	125.	Klonoff, D.C. (1997). "Noninvasive Blood Glucose Monitoring," <i>Diabetes Care</i> 20(3):433-437.
	126.	Kruse-Jarres J.D. et al. (1990). "Glucose and Other Constituents of Blood Determined by ATR-FTIR-Spectroscopy," <i>Clin. Chem.</i> 36(2):401-402.

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127.	Mak, V.H. et al. (1990). "Percutaneous Penetration Enhancement <i>In Vivo</i> Measured by Attenuated Total Reflectance Infrared Spectroscopy," <i>Pharm. Res.</i> 7(8):835-841.
128.	McNichols, R.J. et al. (2000). "Optical Glucose Sensing in Biological Fluids: An Overview," <i>J. Biomed. Optics</i> 5(1):5-16.
129.	Mendelson, Y. et al. (1990). "Blood Glucose Measurement by Multiple Attenuated Total Reflection and Infrared Absorption Spectroscopy," <i>IEEE Trans. Biomed. Engin.</i> 37(5):458-465.
130.	Potts, R.O. et al. (1985). "A Noninvasive, In Vivo Technique to Quantitatively Measure Water Concentration of the Stratum Corneum Using Attenuated Total-Reflectance Infrared Spectroscopy," <i>Arch. Dermatol. Res.</i> 277(6):489-495.
131.	Rao, G. et al. (1993). "Reverse Iontophoresis: Development of a Noninvasive Approach for Glucose Monitoring," <i>Pharm Res.</i> 10(12):1751-1755.
132.	Space Telescope Science Institute (2003). "NICMOS Instrument Handbook for Cycle 11: Detector Basics," located at < http://www.stsci.edu/hst/nicmos/documents/handbooks/v5/c06_detectors2.html > last visited on June 27, 2003, three pages.
133.	Stevens, A. et al. (1992). <i>Histology</i> Gower Medical Publishing: New York. p. 349
134.	Tucker, M.E. (2000). "FDA Advisory Panel Backs Wrist Glucose Monitor," <i>Intern. Med. News</i> 33(2):9.
135.	XenICs (2001). Microbolometer detector product description located at < http://www.xenics.com/Print/Products/lwir.asp > last visited June 27, 2003, one page.
136.	XenICs (2001). MWIR: InAsSb Detectors product description located at < http://www.xenics.com/Print/Products/mwir.asp > last visited June 27, 2003, one page.
137.	XenICs (2001). Product descriptions located at < http://www.xenics.com/Print/Products/nir.asp > last visited June 27, 2003, two pages.
138.	Zeller, H. et al. (1989). "Blood Glucose Measurement by Infrared Spectroscopy," <i>The International Journal of Artificial Organs</i> 12(2):129-135.

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